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CHICAGO IL 60603-3406

In re Application of JANOWSKI et al.
Application No.: 10/549,873
PCT No.: PCT/US04/03605
Int. Filing: 05 February 2004
Priority Date: 05 February 2003
Attorney Docket No.: 79982
For: LOW PROFILE SPINAL FIXATION
SYSTEM

DECISION ON
PETITION UNDER
37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 15 September 2005 in the above-captioned application is hereby **GRANTED** as follows:

Applicants' statement that the "entire delay in entering the national phase, from the due date of 5 August, 2005 until the filing of the grantable petition under 37 CFR 1.137(b)(3), was unintentional" has been interpreted as meaning that "entire delay in filing the required reply from the due date for the reply until the filing of this petition under 37 CFR 1.137(b) was unintentional" as required by 37 CFR 1.137(b)(3) at the time of filing this petition. If this is an incorrect interpretation in view of the rules, petitioner is required to promptly notify this office.

A review of the application file reveals that the basic national fee of \$150 has been provided. The required petition fee of \$750 was also paid. Thus, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office for further processing including issuance of a Notification of Missing Requirements indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b), and the surcharge for filing the oath or declaration after the thirty month period, is required.

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